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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,669	11/13/2001	Nico Lugil	VANM236.001C1	8491
20995	7590	09/06/2005	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP			WONG, BLANCHE	
2040 MAIN STREET			ART UNIT	
FOURTEENTH FLOOR			PAPER NUMBER	
IRVINE, CA 92614			2667	

DATE MAILED: 09/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/992,669

Applicant(s)

LUGIL ET AL.

Examiner

Blanche Wong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-32 and 34 is/are allowed.
- 6) ☒ Claim(s) 33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because miscellaneous characters appear at the bottom of page. Correction is required. See MPEP § 608.01(b).
2. The disclosure is objected to because of the following informalities: On p. 5, Figures 4 to 7, it is unclear what is "possible RAM 5 configurations".

Appropriate correction is required.

### ***Drawings***

3. The drawings are objected to because
  - Examiner suggests labeling 23 as "RAM" in Fig. 3 and adding more descriptive labels to the RAM configurations in Fig. 4-7
  - Examiner suggests adding an arrow from X to the RAM configurations in Fig. 4-7, as shown in Fig. 3.
  - Examiner suggests numbering the burst generator (cl. 34, ln. 15) and the combiner which accumulates a scrambling code output (cl. 34, ln. 18-19).
4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first registers (cl. 1, ln. 3-4), second registers (cl. 1, ln. 6-7), signal acquisition component (cl. 1, ln.9), processor (cl. 1, ln. 10) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claim 33** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lehman et al. (U.S. Pat No. 6,282,184) in view of Kostic et al. (U.S. Pat No. 6,549,784).

With regard to cl. 33, Lehman discloses (in Fig. 2) configuring (by base station controller) the transmitter (wideband transmitter 107 in 29) operation, and configuring (by reference clock generator) the receiver (wideband receiver 40 in 30) operation.

However, Lehman fails to explicitly show reconfiguring through software.

In an analogous art, Kostic discloses (in Fig. 6) software (compute program code segment, col. 8, ln. 18-19) that operates two wideband transceivers 608,618 (col. 8, ln. 3 and 8).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use software to operate wideband transmitters, receivers, or transceivers. The suggestion/motivation for doing so would have been to reduce interference levels. Kostic, col. 4, ln. 46. Therefore, it would have been obvious to combine Kostic with Lehman for the benefit of software to operate wideband transmitters, receivers, or transceivers, to obtain the invention as specified in cl. 33.

***Allowable Subject Matter***

7. **Claims 1-32,34** are allowed.

8. The following is a statement of reasons for the indication of allowable subject matter:

With regard to cl. 1, the prior art of record fails to anticipate or make obvious a communication device comprising a combination of 1. a W-CDMA transmitter

comprising at least one of a first RAM and first registers, 2. a W-CDMA receiver comprising at least one of a second RAM and second registers, 3. a signal acquisition component, and 4. a processor in data communication with the W-CDMA transmitter, the W-CDMA receiver and the signal acquisition component.

With regard to cl. 30, the prior art of record fails to anticipate or make obvious an integrated circuit comprising a communication device that comprises a combination of 1. a W-CDMA transmitter comprising at least one of a first RAM and first registers, 2. a W-CDMA receiver comprising at least one of a second RAM and second registers, 3. a signal acquisition component, and 4. a processor in data communication with the W-CDMA transmitter, the W-CDMA receiver and the signal acquisition component.

With regard to cl. 31, the prior art of record fails to anticipate or make obvious a method for operating a communication device that comprises a combination of 1. a W-CDMA transmitter comprising at least one of a first RAM and first registers, 2. a W-CDMA receiver comprising at least one of a second RAM and second registers, 3. a signal acquisition component, and 4. a processor in data communication with the W-CDMA transmitter, the W-CDMA receiver and the signal acquisition component, and specifically, for operating the processor to provide for software configuration of the first and second parameters and for operating the transmitter and receiver in accordance with the software configuration to transmit or receive waveform signals.

With regard to cl. 34, the prior art of record fails to anticipate or make obvious a communication device comprising a combination of 1. a W-CDMA transmitter comprising at least one of a first RAM and first registers, *in addition to at least one element which is one of the following : synchronization hardware to slave transmit start*

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*epochs to events external to the transmitter; a burst generator for realizing discontinuous transmissions; a QPN channel containing one or more spreaders with a predetermined amplification of an output signal; a combiner to accumulate the QPN channel output signal; a PN code generator; a scrambling code generator; a scrambler; a combiner which accumulates a scrambling code output; a pulse shaping oversampling filter; and an NCO and upconverter for carrier precompensation; 2. a W-CDMA receiver comprising at least one of a second RAM and second registers, in addition to a pulse shaping filter; a level control block; a demodulator; and a reference demodulator; 3. a signal acquisition component; and 4. a processor in data communication with the W-CDMA transmitter, the W-CDMA receiver and the signal acquisition component.*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blanche Wong whose telephone number is 571-272-3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*BW*

BW  
August 31, 2005

KWANG BIN YAO  
PRIMARY EXAMINER

